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## LEONG SAI IS TO BE DEPORTED

Judge Estee Finds He is Not an American Citizen.

### FEDERAL SUPREME COURT AFFIRMED SIMILAR DECISION

Chinese Shoes Tariff Case Remitted to General Appraisers — Quarantine Island Demurrer.

Leong Sai, alias Ah Sai, was remanded to the custody of the Collector of Customs for deportation to China, by a decision of Judge Estee this morning. Mention is made, in the written opinion, of the inconsistency of the petitioner's testimony with his complaint relative to the year of his birth. This self-contradiction Bulletin readers would have observed in the report of the hearing.

Judge Estee disposed of two other matters before reading his opinion in the habeas corpus case. He overruled the demurrer in the suit of McClellan vs. Dr. Cofer, involving the title to the quarantine site.

Haman's Chinese shoes took on another walk. Mr. Fitch for appellant read a stipulation signed by counsel on both sides, saying that the presence of an appraiser from New York was waived, that testimony be taken by the Board of General Appraisers in New York City and that the case be continued until the return of Estee's opinion in the habeas corpus case.

Judge Estee's opinion in the habeas corpus case is given in full below. Fitch & Thompson were attorneys for petitioner, and U. S. District Attorney Robert W. Breckons represented Collector Stackable. The court says: IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF HAWAII.

Opinion of the Court. This is an application for a writ of habeas corpus filed in this court on the 19th day of March, 1902, by one Leong Sai, alias Ah Sai.

The petitioner alleges that the petitioner is a citizen of the United States; that he was born in Manoa valley, island of Oahu, Territory of Hawaii, on the 21st day of October, 1882; that the names of his parents are Leong Chun, his father, now deceased, and Wong See, his mother, now living in the Empire of China; that petitioner is a resident of Honolulu. That he left the Territory of Hawaii on or about the 22d day of July, 1901, sailing on the steamer Nippon Maru from the port of Honolulu for China where he remained until the 31st day of December, 1901, when he left China and returned to the Territory of Hawaii, arriving at the port of Honolulu on the steamship China on or about the 19th day of January, 1902.

The petition further alleges that he is unlawfully restrained of his liberty by E. R. Stackable, Collector of Customs at Honolulu, by being detained at the U. S. Quarantine Station, and that said E. R. Stackable threatens to deport the petitioner from this country on the ground that he is not entitled to land under the laws of the United States.

The petition alleging that the said Leong Sai, alias Ah Sai, was and is a citizen of the United States, the writ was issued by the judge of this court made returnable on the 21st day of March, 1902, at the hour of 10 o'clock a. m., at which time the said E. R. Stackable produced the body of the petitioner in court and made a sworn return to the writ served upon him in which he denies that the petitioner is a citizen of the United States or that he was born in the islands, and admits

that he has the petitioner in custody and alleges that he detains him for the reason that he is a person of Chinese descent and that he has refused to permit him to be landed in accordance with the provisions of the law in such case made and provided, and that he intends to deport him to China.

Question of Citizenship. The single question for this court to consider upon the facts in this case, is whether the petitioner was born in the Hawaiian Islands and subject to the jurisdiction thereof, and thus a citizen of the United States. (Sec. 1, Art. 17, Const. Hawaii, Civil Laws, 1897, p. 6; Section 4 of "An Act to provide a Government for the Territory of Hawaii," United States vs. Ching Tai Sai, Ching Tai Sun, Aug. 13, 1901).

The petitioner occupies the affirmative in this class of cases, and he must prove by a preponderance of the evidence that he was born in these islands. (In re Jew Wong Loy 91 Fed. 240; In re Louis You, 97 Fed. 580; Lee Sing Far vs. U. S., 94 Fed. 834; U. S. vs. Chung Hoi, 111 Fed. 899 C. C. A.). While the petition alleges that the petitioner was born on the 21st day of October, 1882, in Manoa valley, near Honolulu, island of Oahu, in this Territory, the witness testified in his own behalf that he was born in November, 1882; that he went to China when he

(Continued on page 3.)

## SUICIDE OF W. CREWES

Suffering from remorse and shame, William Crewes, an American, aged between 40 and 45, committed suicide at his home, corner of Wilder and Pili streets, some time between 9 and 10 o'clock this morning.

Crewes, who has for years been a victim of drink, was arrested again Saturday night on the same old charge. It was the first time he had indulged for many moons, the deceased having tried to rid himself of the habit.

He was kept in a cell over night and on Sunday morning, was released under the promise that he would be in the Police Court at the usual time Monday morning. He complained to the police at the time that he had had an encounter in the cell with another prisoner on the night previous, and that he believed a couple of his ribs had been broken.

The deceased returned to his home, where he remained throughout the day. In the evening his wife, an estimable lady, talked kindly with him on the subject of drink and asked him to stop the dangerous habit both for her sake and that of their two children, who, on several occasions, had been taunted by some of their mates, who proclaimed them the children of a drunkard.

Crewes told his wife he knew that he had been disgracing himself and his family and said that he would try not to repeat his offense. Nothing more was said and the family retired for the night.

Between 8 and 9 o'clock this morning, when both the children had left for school, Crewes called his wife and bade her go for a doctor, as he was sure a couple of his ribs had been broken in an encounter with a fellow prisoner Saturday night. The wife started out immediately, and, before returning home, went to the police station to tell Deputy Sheriff Chillingworth that her husband could not appear in the Police Court.

It was at about 10 o'clock that Mrs. Crewes reached her home. She sought for her husband but could not find him. Upon going to the bathroom, she discovered him cold in death, hanging by a small rope from a rafter. Being very much frightened, Mrs. Crewes summoned the neighbors and the police station was communicated with.

When Deputy Sheriff Chillingworth had made his investigations the body was cut down and taken to the morgue where a coroner's jury viewed the remains preparatory to the inquest set for tonight.

Deceased must have gone about his action very deliberately. The rope was fastened first to the rafter and then placed about the neck. The suicide then drew his feet up from the floor and held them there until he had strangled to death. No note or anything explaining the deed was left behind.

Deceased leaves nothing to his wife and children. He was one of the very best carpenters in the city, commanding all the way from \$6 to \$8 a day. He worked last for the Lucas Brothers on the addition to D. P. R. Isenberg's house, Pensacola street. Deceased had been in the country about twenty-two years.

## TWO CARS COLLIDE

A collision occurred last night at the corner of Hotel and Nuuanu streets, caused by the negligence and carelessness which is said to have been the cause of the driver of a Rapid Transit car. It appears that a tramcar was making the crossing while a Rapid Transit car was standing still at the corner. The tramcar was partly over when the motorman turned on the current and ran the front part of his car against the crossing tramcar. The latter had the roof broken and was otherwise disabled so that it had to be returned to the stable. Nearly all of the windows of the Rapid Transit car were broken and a passenger who was standing near the tram driver was thrown off the car. Otherwise, no one was hurt. It is strange, but one of the passengers on the tramcar was a person who got hurt in the former collision at the same place when the motorman was arrested for careless and heedless driving.

The Bulletin, 75 cents per month.

## ALBATROSS LOSES A MAN OVERBOARD

Will Make Honolulu Her Base of Operation for Awhile.

### SHARKS BY THE SCORE BORN ON THE VESSEL

Officers and Scientists in the Fish Commission Steamer — Will Go to Laysan — A Mastoot Goat.

"Very fresh winds from the north-west," says the log of the United States Fish Commission steamer Albatross, which arrived from San Francisco this morning. The entry was made a few minutes before four bells in the morning of March 12, just twelve hours after the trim little vessel left the Golden Gate. Quartermaster Bert Arnkil penned the words and they were the last he ever wrote.

After noting the condition of the weather in the log, the quartermaster went aft to read the patent log.

It was 2 o'clock; four bells were struck as Arnkil passed aft. The next moment the cry of "Man overboard!" rang out and in another instant the officer of the deck had signalled the engineer to stop the engine, the forecastle was clewed up and the Albatross was putting about to cruise over the spot where Quartermaster Bert Arnkil had disappeared.

However, nothing was ever again seen of the unfortunate man. The sea was too rough to allow a boat to be lowered and although for five and a half hours the steamer hung hopefully about the spot, the waiting and watching of those aboard was all in vain.

Among those who strained their eyes into the darkness, scanning the angry waves for a sight of the quartermaster and listening with all their ears for some guiding cry that never came, was Chief Yeoman Arnkil, the brother of the lost man.

Yeoman Arnkil had been asleep in his bunk below when his brother Bert went overboard.

It was all simple enough and sad enough. The quartermaster went aft to read the patent log; the sea was heavy at the time; the Albatross rolled in a jerky, treacherous manner, and Bert Arnkil was thrown overboard.

The Albatross was under steam and sail at the time of the accident, running under one holler and the forecastle. At 7:30 o'clock in the morning she abandoned the search for the lost man and once more headed on her course.

It is the duty of the quartermaster to throw out the life-buoy in the event of a man falling overboard. When the cry of "Man overboard!" rang out, therefore, those on deck naturally supposed that Quartermaster Arnkil was attending to the life-buoy, little dreaming that it was the quartermaster himself who had plunged over the taffrail into the sea.

One of the firemen, who had come on deck for a breath of fresh air, saw the man disappear over the rail and gave the alarm. He did not at the time know that it was the quartermaster who had gone overboard.

No cry was heard from the falling man. He disappeared suddenly over the rail and was seen no more.

Bert Arnkil was 35 years of age and had been aboard the Albatross over two years with his brother. He was not married.

The Albatross was sighted early this morning off Koko Head. She came into port under steam with her sails packed on the yards, docking in the slip with the transport Hancock, lying alongside Navy wharf No. 2. It was 9:30 o'clock when a gangway was put aboard.

The Tenth Infantry band aboard the Hancock greeted the Albatross as she poked her pretty nose into the slip.

The first person ashore from the Albatross was the ship's mascot, "Admiral Buck," alias "William Horn," alias "Albatross," alias plain "Billy of the vessel and wears a coat of a handsome ruddy brown tinge. He did not wait for the gangway, but sprang ashore from the rail while the side of the vessel was still five or six feet from the wharf.

Nasty weather characterized the trip of the Albatross from San Francisco, although she left a dead calm sheet of water inside the Golden Gate.

Notwithstanding the weather, those aboard the Albatross were busy on the trip down. The Fish Commission steamer towed the intermediate net most of the way, preserving the catch, which was fairly satisfactory from a scientific standpoint. The intermediate net, so-called because it neither operates near the surface of the water or along the bottom, was towed at a depth of one hundred fathoms. Many of the specimens in the catch are hardly visible to the naked eye.

The trawl-net was also used on Eri Bank, about 600 miles from San Francisco, with the result that the gear was lost.

Noticing sharks in the vicinity of the ship, one of the crew threw out a large hook astern, baited with a piece of salt pork. When one of the monsters bit at last and was hauled in deck, the shark was found to be a female and about to add to the shark population. A few hours after her capture over twenty baby sharks made their appearance. The happy mother measured over nine feet in length. Much difficulty was experienced in

keeping the mascot goat away from the numerous shark family.

Captain Chauncey Thomas commands the Albatross. He visited Admiral Merry at the Naval Station shortly after the vessel's arrival.

The Albatross will coal and provision here and will, it is expected, make Honolulu her base of operations for some time. She will probably go to Laysan Island in two or three days. She will make numerous excursions from this port, executing her work as a Fish Commission steamer.

The Albatross was here last in 1896, when she came by way of Japan. She was here first when she made the cable survey. She is 227 feet long, 38 feet beam, 15 feet water line and 1250 tons displacement. Ordinarily, while engaged in fishing, she steams under one boiler and her sails, making about eight knots. With both boilers she can steam twelve knots. Coming down from San Francisco she made some times from 10 to 19 1/2 knots under sail and one boiler. She uses both boilers only in emergencies.

The officers of the Albatross are as follows: Captain Chauncey Thomas, commander; Lieutenant G. H. Burroughs, executive officer; deck officers Ensign A. J. Hepburn, Ensign C. S. Kempf, son of Admiral Kempf; Dr. Chas. S. Butler; Paymaster G. Shipw.

Fish Commission officers aboard are: Henry Clifford Farwell, captain's clerk; Mr. Chamberlain, photographer, and A. B. Alexander, fisheries expert. Mr. Alexander stood watch as officer of the deck during the trip, as the vessel is short of officers.

Scientists in the Albatross are: Doctors Gilbert and Nutting and Messrs. Fisher and Schnyder. The crew of the Albatross, including chief petty officers and petty officers, numbers 63 men.

## LABOR STATUS BETTER

A meeting of planters was held this morning in room 301 of the Judd building. It was not a regular meeting of the Planters' Association but a gathering of plantation managers and delegates from the association to discuss the labor conditions prevailing at present in these islands.

The reports of the various managers show that while the plantations are still short of labor, there has been a general rule been some improvement during the past year so that at present the situation generally speaking, is not as bad as it was about a year ago.

In some places there has been quite a marked improvement while in other places there is still a deplorable shortage of labor.

Nothing was done with regard to future plans the only business transacted being the reading of the reports and a discussion of the facts put forth in these.

The planters are again in session this afternoon and will meet again tomorrow.

## WATER RIGHT OWNERS

Wailuku, Mar. 22.—A meeting of owners of water rights was called by Thos. Clark at the skating rink last Thursday evening. The meeting was quite fairly attended. Col. John Richardson of Lahaina was among those present. Mr. Clark explained the purpose of the meeting which was to thwart the proposed intention of the Hawaiian Commercial & Sugar Co. to claim the right to convey water from Wailuku to its cane fields at Spreckelsville.

Mr. Clark said it was the intention of the H. C. & S. Co. as owners of crown lands in the ahupuaa of Wailuku, to take the water right long enjoyed by said ahupuaa to Spreckelsville and that the H. C. & S. Co. would be forced to take this step as its lease of Wailuku water would soon terminate. Mr. Clark could not see by what authority the Wailuku Sugar Company was authorized to lease Wailuke water to the H. C. & S. Co. for \$10,000 per annum when it still has more than its quota of water to irrigate its cane at Wailuke.

The only explanation he could arrive at was that "might was right," and justice an unknown quantity, but that if justice were to be meted out that it was the natives' time now to lease the said Wailuke water to the H. C. & S. Co. and enjoy the same benefits so long shared by the Wailuku Sugar Company in years past.

The meeting then adjourned subject to the call of the chairman.

Yesterday afternoon two Japanese went shooting in the mountains near Waialua. At 2 p. m. one of them, Bake, rushed into Judge Mahaulu's house and reported that he had shot his companion, taking him for a pig as he moved in the lantana. He did not know whether he was dead or not. A search was made for the Japanese who had been shot. He was found dead. An inquest is being held this afternoon.

Eastman pocket folding kodaks all sizes, for sale at Honolulu Photo Supply Co. at 20 per cent below regular price.

The basketball game which was to have been played this afternoon on the Punahou campus between two teams of girls, has been postponed until next Friday on account of the weather.

## ISENBERG MEMBER BOARD OF HEALTH

Marston Campbell Placed on Governor's Staff as Engineer.

### MAUI PEOPLE WANT VISIT FROM THE BAND

Executive Council Acts on Various Liquor Licenses—Exchange of Land at Hilo is Proposed.

Governor Dole announced to the members of his council this morning that he intended to commission Paul R. Isenberg as a member of the Board of Health in place of the late William Auld.

Also, that he had appointed Marston Campbell upon the Governor's staff with orders to report to the regimental commander as engineer officer for the National Guard of Hawaii.

Mr. Maynard's application for a general liquor dealer's license at Laupahoehoe, island of Hawaii, was refused. The renewal of Yeong Yung's retail liquor license at Wailuku was granted.

St. C. Sayres was refused a renewal of his dealer's license in Honolulu to remove his location to Huastec street, but may have it by remaining where he is.

George Hons pleaded for a visit of the band to Maui, suggesting as a good time, incidentally, that of the opening of the new castle hall of the Knights of Pythias at Wailuku. There was sure to be a crowd there on that occasion. No action.

The Superintendent of Public Works, J. H. Boyd, submitted a proposed exchange of land in Hilo with John T. Baker, the government taking Richardson street property for ground required to widen Bridge street. The proposition was favorably regarded by the council.

## WOMAN ACTS QUEERLY

Five native Hawaiian claims were due for hearing at the resumption of the Claims Commission sessions. That of John H. Wilson was continued this morning, the claimant being absent from the Territory.

For the first instance among the hundreds of claims, one claimant appeared to withdraw her case. She is the widow of Captain Kalepe, who was a noted Pearl Harbor pilot, and had a separate claim from that of her husband. She, however, wanted to withdraw both claims, which amount to about \$2000. Her daughter came forward to testify that part of the property represented in the mother's claim was hers. For this cause and as there is no administration of Captain Kalepe's estate, these claims these claims were deferred for further consideration.

Agents of fire insurance companies went before the Commission to prove the payment of policies within the burnt district.

## AN IRISH SOCIETY

The bills for the St. Patrick's Day celebration have all been paid and the finance committee find that there is still \$133 on hand. This being the case they have decided to start an Irish Society here and have opened charter lists which are to be found at the office of T. L. Dillon, Magoon building, or at the photograph gallery of Frank Davey, on Hotel street. What the nature of the new society will be remains to be determined at some future meeting of Erin's sons.

## BOOTH TO PAY TAXES

Charles W. Booth is made liable for the taxes on Pacific Heights tract by a majority opinion of the Supreme Court, written by Chief Justice Frear and signed by himself and Justice Galbraith. The property was assessed at \$100,000 for the land and \$50,000 for the improvements, and the amount in dispute was \$1500 taxes and \$150 penalty for not having paid the taxes when due. In dismissing the appeal of defendant from the Circuit Court, the Justices in agreement say:

"There are, it is true, expressions in some cases that appear to be opposed to the view we have taken, but they are mostly under statutes or facts essentially different from those involved in the present case."

Justice Perry, dissenting, says: "While concurring in the view that as between Desky and Booth the land was, under the circumstances stated, assessable to Booth, I respectfully dissent from the conclusion reached by the majority to the effect that the defendant may not successfully defend in this action by showing that the assessment of \$100,000 was upon a whole tract, only a portion of which belonged to the defendant at the date of the assessment." He reasons at length and concludes that the exceptions should be sustained, the judgment for the plaintiff set aside and a new trial ordered.

The suit is entitled Jonathan Shaw, tax assessor, vs. Charles W. Booth, Robertson & Wilder appeared for plaintiff; Magoon & Dillon for defendant. Following is the syllabus of the controlling opinion:

"One does not cease to be the owner of a tract of land for the purposes of taxation by merely entering into an executory agreement to convey the same upon certain conditions not yet performed."

"Under a statutory provision that different items of property and different interests in property should be assessed separately, an assessment in good faith to one person of a whole tract which was previously owned by him and which could properly be assessed as a whole to him if wholly owned by him, is not wholly void merely because he had sold a small portion of the tract without the knowledge of the assessor."

"In such case, as in cases of mere over-valuation, the sole remedy is by an appeal from the assessor to the Tax Appeal Court and not by an action or defense in an action at law, and if the party has neglected to make a return as required by the statute he cannot appeal to the Tax Appeal Court and has no remedy."

### COURSE OF LECTURES.

The first of Mrs. W. G. Rogers' series of lectures on "The Environment of Dickens and His Works" will be given this evening at 8 o'clock in the rooms of the Y. W. C. A. in the Boston building. Mrs. Rogers, during a stay in London, personally inspected many of the places so familiar to the readers of Dickens and is thoroughly at home with her subject. The lectures are open for both ladies and gentlemen. The price for tickets for the entire course is \$1. The lectures will be given as follows:

March 24—Scenes and Circumstances of His Early Life. Read David Copperfield.  
March 31—His Earlier Works. Read sketches by Box and Pickwick Papers.  
April 7—Scenes of His Historical Works. Read Barnaby Rudge and Tales of Two Cities.  
April 14—The Homes of His Child Characters. Such as Little Nell, Paul Dombey, Little Dorrit.  
April 21—The Works of His Later Years.  
April 28—Gad's Hill and Westminster Abbey.

### BORN.

MEYER—At Wailuku, Maui, H. T., March 15, 1902, to Mr. and Mrs. D. L. Meyer, a son.

S. S. SIERRA, MARCH 25, Next express steamer to the Coast Wells, Fargo & Co. Express TEL. MAIN 199. Masonic Temple, with American Messenger Service.

## Determination of Values

KIPLING can write a poem on a worthless sheet of paper and make it worth \$15,000. That's genius.

CARNEGIE can write a few words on a piece of paper and make it worth \$500,000. That's capital.

WE can print your photograph on a piece of paper and make it of priceless value to you. That's art.

See our samples on display at the studio.

## Rice & Perkins, PHOTOGRAPHERS.

Oregon Block, cor. Hotel and Union Sts. Entrance on Union.

## YOUR HEALTH IS CONCERNED

Wet weather generally means wet feet, and wet feet invariably mean a cold. A cold means—well, we won't go any farther, but it's obvious that what you need most at the present time is

### a good pair of rubbers

We have a stock of the best men's storm rubbers made; extra heavy rolled edge around the sole as a protection to the seam, and all of the best material. \$1 BUYS A PAIR and saves many more dollars in Doctors' bills and enforced absence from business. : : : : : : : : : :

## Manufacturers Shoe Store

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